

MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO
JANUARY 26, 2010

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:07 PM on Tuesday, January 25, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Joel Benson, Robert Flint, Norm Nyberg, Keith Baker, Duff Lacy, Brett Mitchell, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Town Planner Shannon Haydin, Public Works Director Roy Gertson, Town Engineer Rachel Friedman, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Russell led in the Pledge of Allegiance.

PROCLAMATION – “YOUTH APPRECIATION WEEK”

Mayor Russell read the Proclamation into the record.

AGENDA ADOPTION

Motion #1 by Trustee Flint, seconded by Trustee Benson, to adopt the agenda as presented. Motion carried.

CONSENT AGENDA

- A. **Minutes**
 - 1. Planning & Zoning Commission
 - 2. Beautification Advisory Board
 - 3. Recreation Advisory Board
- B. Should the Board approve adoption of Resolution #4, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO RE-APPOINTING MEMBERS OF THE BUENA VISTA TRAILS ADVISORY BOARD**"?
- C. Should the Board approve adoption of Resolution #5, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING THE ENGAGEMENT OF MCMAHAN AND ASSOCIATES, LLC TO AUDIT THE FINANCIAL STATEMENTS OF THE TOWN FOR THE YEAR ENDED DECEMBER 31, 2010**"?

Trustee Benson, requested an addition on page 3 that we did thank the Optimist Club for their generosity under Resolution #3.

Mayor Russell noted a correction on page 4 of 6 that "Sue" planed on attending the City & Managers meeting.

Motion #2 by Trustee Benson, seconded by Trustee Mitchell, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

Those who signed up to speak were present for the Roadway Improvements discussion.

OLD BUSINESS

Should the Board approve adoption of Resolution #6, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AUTHORIZING AND APPROVING A LICENSE AGREEMENT FOR THE PLACEMENT OF TWO SIGNS AND LANDSCAPING ON TOWN PROPERTY ADJACENT TO 430 CEDAR STREET AND 112 SOUTH COURT**"?

Town Planner Haydin noted the License Agreement formalized the appeal held the last time the Board of Adjustments met; was approved by Lee Phillips and the applicant is present if there are any questions.

Discussion held on page 1 of the agreement Section 2 should delete "a" prior to the word two.

Motion #3 by Trustee Flint, seconded by Trustee Benson, to approve Resolution #6, Series 2010. Motion carried.

NEW BUSINESS

PUBLIC HEARING – TO CONSIDER AN APPLICATION FOR A CHANGE OF LOCATION FOR A HOTEL & RESTAURANT LIQUOR LICENSE, QUINCY'S APPLICANT

Mayor Russell asked if there were any additional items the Town Clerk had to present outside of her memorandum. Diane noted that in 2003 when the restaurant was Sophie's a measurement was done for the 500 foot rule from a school and it showed that the restaurant fell outside the 500 feet and added that the application was complete.

Mayor Russell opened the public comment portion of the hearing at 7:13 PM with none received and closed the comment portion of the hearing.

Discussion followed on how the measurement for the 500 foot rule is done; the determination of eligibility is at the time of application - if a school moved within 200 ft of the application, the licensed establishment does not have to close; Attorney Phillips noted that a change of location is similar to a new application and the needs and desires determination has to be made for reasonable requirements of the adult residents of the neighborhood, some petitions are used for evidence of considering what it is worth.

Motion #4 by Trustee Benson, seconded by Trustee Baker, to approve the application for a Change of Location. Benson-aye, Lacy-aye, Baker-aye, Mitchell-aye, Flint-aye, Nyberg-aye. Motion carried.

PRESENTATION OF ROADWAY IMPROVEMENTS AND FINANCING OPTIONS

Administrator Boyd noted community meetings have been held as directed by the Board and today is decision day for Council to see if they want to put this question on the ballot.

Town Treasurer DeChristopher added that information sessions were held (4 public meetings and 3 presentations); fliers were sent out to the residents based on the water bill accounts and asked if Council wanted to solicit comments from the public and then staff can provide a presentation.

Randy Crane, 721 W Main, 30 yr. resident of Buena Vista, very seldom asks that taxes be increased but noted three main functions of government: education, protection and roads; does not agree with the total scope of the project but felt the need to finish pavement by ball parks and Community Center; fix the intersection at W. Main & Rodeo and Gregg Drive is the third area. Gave a historical perspective from the late 80's with the closing of Climax Mine and noted City Council had the foreknowledge then to know about paving the town streets; thought it was a good decision then and is a good decision now to finish paving our streets.

Earl Richmond, 412 Cedar Street, was opposed a few weeks ago when he heard about higher taxes but after talking to staff and attending meetings learned a lot about how badly we could use road improvements to help with public safety and access to school. Earl thanked town staff for their work getting information out to the community; felt getting the question on the ballot would be a great first step; our tax base is pretty low by comparison to the neighboring communities and was in support of getting this on the ballot.

Christine DeChristopher noted that Troy Bernberg with Stifel Nicolaus was present for questions; outlined we are setting the cap of authority that a future Board will be allowed to issue; at today's rates we would be at 4% on the debt but we calculated with a 6 ½% rate; noted importance of a campaign committee in explaining issues to people and added that the Board cannot issue debt for more than \$6,000,000 and in the future can issue bonds at a level they decide for the projects they decide.

Discussion held on issuing smaller bonds for specific projects and having the authority as long as the total debt does not exceed \$6,000,000; no end date but in perpetuity; once the resolution is passed the ballot language is set and cannot be changed; "incidentals" are things that relate to the approved activities such as easements.

- Should the Board approve adoption of Resolution #7, Series 2010, entitled "**A RESOLUTION OF THE TOWN OF BUENA VISTA INCREASING THE RATE OF THE TOWN SALES TAX; RESTRICTING THE USE OF REVENUES GENERATED FROM SUCH TAX INCREASE; AUTHORIZING THE ISSUANCE OF REVENUE BONDS; SETTING THE BALLOT TITLES AND BALLOT QUESTIONS REFERRING THIS RESOLUTION AT AN ELECTION TO BE HELD APRIL 6, 2010; PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION AND SETTING FORTH DETAILS IN RELATION THERETO**"?

Motion #5 by Trustee Benson, seconded by Trustee Baker, to approve Resolution #7, Series 2010. Roll call vote: Nyberg-aye, Baker-aye, Mitchell-aye, Benson-aye, Flint-aye, Lacy-aye. Motion carried.

Should the Board approve adoption of Resolution #8, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING THE EXECUTION OF A CONTRACT WITH UNION PACIFIC RAILROAD FOR SURFACE IMPROVEMENTS TO THE EXISTING MAIN STREET AT-GRADE PUBLIC ROAD CROSSING**"?

Town Engineer Friedman stated she had updated information on how much work is required of the Town and contractor and on street approaches (3-4 feet on each side) if the Town does the work we would not have to pay the \$500 right of entry fee but will have to pay fees for asphalt and for time; we will owe \$1977 for their work thus far if we decide not to proceed; we would owe this money again if we decide to do at a later time; we have to pay for the railroad crossing per State PUC regulation (it is a shared responsibility for both of us to pay and we have a shared ROW on their property).

Discussion held on Section 4 of the agreement should be removed due to their design; if we decide this is a safety concern they will patch, if we decide to revamp it we have to split the cost; asphalt connecting timber with no cohesion; we budgeted the cost of materials (\$50,000) but need another \$1000 for processing fees and they can proceed in a "short time"; asphalt and labor on the other side will be \$1500; could be potential damage to the sidewalks and can be done after the project is over; Resolution #8 be changed after Exhibit A add "in substantially the form submitted, and hereby authorizes the Mayor...." to allow non-substantive changes and in the 4th Whereas Clause delete "the \$500 fee for Right-of-entry"; budgeted funds are coming from reserves; UPRR only does concrete; the contract is due in April.

Motion #6 by Trustee Flint, seconded by Trustee Nyberg, to approve Resolution #8 as submitted with the corrections and additions as outlined by Lee Phillips. Roll call vote: Lacy-aye, Mitchell-aye, Flint-aye, Benson-aye, Baker-aye, Nyberg-aye. Motion carried.

A recess was taken from 7:51 PM to 7:58 PM.

Should the Board approve adoption of Resolution #9, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING EXECUTION OF AN AGREEMENT FOR TRANSFER OF ENTITLEMENTS FOR THE CENTRAL COLORADO REGIONAL AIRPORT**"?

Town Administrator Boyd noted this is an administrative issue that was identified and discussed previously at a meeting, the FAA notified us they want the obligation to YUMA satisfied in 2010 and this document accomplishes that. In 2006 the airport received \$306,838 from the FAA to pave the jet pad at the airport which was twice our annual entitlement and to accomplish the project the \$150,000 in funds was borrowed from Yuma and this Resolution authorizes the Administrator to sign the agreement.

Motion #7 by Trustee Baker, seconded by Trustee Mitchell, to approve Resolution #9, Series 2010. Roll call vote: Benson-aye, Nyberg-aye, Flint-aye, Lacy-aye, Mitchell-aye, Baker-aye. Motion carried.

Should the Board approve adoption of Resolution #10, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING APPROVAL OF AN ENGAGEMENT LETTER BETWEEN THE TOWN OF BUENA VISTA AND HAYES, PHILLIPS, HOFFMAN & CARBERRY, P.C. FOR THE PURPOSE OF PROVIDING LEGAL SERVICES**"?

Mayor Russell noted this is just changing representation from Lee Phillips to Jeff Parker. Sue Boyd added that the agreement is in the same firm name but we are transitioning the Town Attorney. Mayor Russell noted the new Council has the decision of appointing or reappointing after the next election.

Lee Phillips noted Jeff is a superb lawyer, is excited to be working for the Town, the transition will be seamless and it has been an honor and privilege to serve as Town Attorney.

Motion #8 by Trustee Nyberg, seconded by Trustee Flint, to approve Resolution #10, Series 2010. Discussion followed on costs associated with travel time and fees from Boulder vs. from Fairplay. Lee noted they always bill one-way and the distance will be a little longer but only one way. Roll call vote: Nyberg-aye, Flint-aye, Baker-aye, Benson-aye, Mitchell-aye, Lacy-aye. Motion carried.

Should the Board approve adoption of Resolution #11, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE TOWN OF BUENA VISTA FEE SCHEDULE**"?

Sue Boyd noted this was a group effort in working on numerous items.

Christine DeChristopher led the discussion by outlining there were several meetings to get different aspects of the fee schedule and creating the document to make it more user friendly by going from alphabetical to grouping into categories; noted cemetery fee increases for lots and implementing burial permits; having funds so that when the lots are all sold there are funds to maintain the land; lowering planning and zoning fees to \$200 plus costs rather than different costs for each application; the airport is in the review process and we will be discussing next week with the business plan and will revisit fee schedules based on that; all appeals are \$30; we will increase water rates slowly (1 ½ %) in July and another small increase in 2011 or 2012 without creating a deficit for the Town and not increase too much for the residents.

Discussion held on ramp parking fees over 50,000 (negotiated); why is there a permit for animals and why the increase of \$100 maximum and how is that justified; fees for vendors and special events will be addressed at the next meeting; land use/zoning permit application and why it was added – gives a history of the property and usages, helps with working with the building department with a "change of use"; wait to add the land use/zoning permit application fee until we are ready and also for animal permit increases; landscape plan review fee should be for commercial businesses; school impact fees where new homes came in and the funds were not collected; EQR discussion will occur in 2010; suggested amendments to

add "commercial" to landscape use review fee; animal permit revert to previous schedule and remove land use permit \$10 fee.

Motion #9 by Trustee Flint, seconded by Trustee Mitchell, to approve Resolution #11, Series 2010; as noted. Motion carried.

STAFF REPORTS

TOWN ADMINISTRATOR

Administrator Boyd had the following items to cover:

- Administrator's report got interrupted in the packets - the last page falls behind the Treasurer's.
- There is a proposed Joint Work Session with P&Z to do a presentation of the Energy Plan on the 9th prior to meeting if Council concurs. Council preferred 6:15. All jurisdictions will be asked to adopt guidelines.
- The County scheduled a public hearing on a proposal for 1041 change to accommodate BV's request to participate in construction of the pipeline across the Arkansas. A draft letter was provided and staff would solicit any input - we are trying to deliver to them tomorrow.
- An e-mail from CML called attention to a registration this Friday for an "Effective Governance" workshop for elected officials scheduled for Friday, Feb. 5 in Denver if anyone wants to attend.
- A quarterly report is a new report that addressed 2009 issues and is a summary of major things staff has worked on.
- Shannon advised that she & Rachel are working on the Hwy 24 corridor; had our first meeting and only three out of twenty attended; we will try to reach out to them on an individual basis; met with the first group of 4 today (those south of City Market) and had a good discussion. We are getting ideas first; will get a vision and then in April/May we will share the information on potential preferences for what they want on Hwy. 24 and come up with a corridor plan by July. Mayor Russell asked that all Council members and P&Z members be copied in on the meetings so if they want to attend they can.
- Sue asked when Council would want to discuss priority projects for 2010. Discussion followed on the Texaco building as a priority; a discussion of EQRs before the April Election - will be scheduled for the Feb. 9 meeting.
- Mayor Russell asked about the Protest Hearing. Sue noted the meeting on Feb. 9 may have a decision for the petition. Town Clerk Spomer added that a final written determination will be provided by Kathryn Young by Saturday the 30th at the latest or by Friday the 29th via e-mail.

AIRPORT MANAGER

Administrator Boyd had the following items to cover:

- This report will be provided to the Airport Board also.
- We are hoping there will be a contract award for terminal renovation for Feb. 9, five bids were all significantly over-budget and active conversation is going on with the contractor on how the project can be paired down to meet the budget.
- The AWOS Maintenance contract will be presented at the next meeting on Feb. 9; two companies are qualified and have provided proposals for consideration.
- A joint work session is scheduled for Feb. 1 at 6:30 PM; staff will present four options on how to move forward and get feedback before we develop a business plan; the Airport Board meets at 6 PM. Mayor Russell asked about recourse with RTA on their faulty calculations.
- The Ground Lease will be reposted as an Ordinance for the Feb. 9 meeting.
- We hired two new line techs that are being trained and moving forward with certification. A lengthy discussion followed on options to proceed; look at how hours are structured (70 hrs/week is winter schedule currently); winter traffic and amount of things to learn and duration of time to get trained and certified; learning to fuel aircraft with low traffic; looking at options for training.
- We are addressing accountability and producing regular reports for air traffic in the near future
- The Airport Board wants to be apprised ahead of time on the Codification of Rules and Regulations before the Trustees take action, they will review in February for Trustee action in March.

- Tenant relations are on-going and we are trying to have a tenant meeting set up to engage them in discussions on the direction of the airport as we work through the business planning process
- There is a need for written operating procedures as there are a lot of ways to do things
- There are two sets of hangars we are involved in managing currently (Mandes and Twin Peaks Condo) there is no executed agreement, Mark Muller sent a draft document in the form of a lease and told him we are not leasing the hangar but it is a hangar management agreement; Jeff Parker is helping us craft a hangar management agreement; we are trying to explain how the process is working in managing the hangar to the Airport Board and this should be on Feb. 9 agenda. Discussion followed on have not received a reply from Mark on his intent yet and his draft contemplates a 30 day lease; no conversation has occurred with a ground lease. Sue noted we are trying to set up a tracking system for when the hangars are leased out and Mark Muller has an interest in that data.
- Some of the non-payments for September were collected in December. Christine noted the difficulty in receiving payments for fuel sales with the credit card processing system. Discussion followed on Air Petro is the fuel provider; the credit card process; creating spreadsheets and reconciling data; in looking at a business plan we need to look at a point of sale system that processes credit cards efficiently.
- The snow plow broke down and we looked for an interim solution and the original estimate to get the runway cleared was not what it turned out to be; Public Works looked for a new radiator to repair the truck and is installed, the snow plow is back at the airport and Public Works and ACA are on-call for larger storms. Discussion followed on overtime for snow plowing; FAA regulations for part-timers working overtime and safety issue.
- We received complaints from tenants in Rows A & B hangars in regard to snow removal, there is confusion of who is responsible; it appears it is the tenants but the airport over the years has cleared that area; direction has been given to airport staff to continue clearing until we can resolve the problem with the holder of the ground lease (Ron Southard). Spoke with Ron in December and alerted him to some concerns.
- TSA notified us we were selected, due to our long runway, to participate in a national survey regarding existing security procedures and will receive feedback on how we're doing; we will need more written procedures.
- Trustee Benson asked about the Leading Edge report. Sue will e-mail it to the Trustees.
- Trustee Lacy asked about recent testing at the airport. Air Methods came and tested a new aircraft over the weekend; they are the largest air medical provider in the world out of Centennial. Duff stated he had someone question the airport and he advised them of what it brings and asked for input on what facilities they used. Bob Johnson noted they bought \$700 in fuel, did business at True value, bought a new printer from radio Shack and had 5 people with 15 nights of hotel and meals.
- Trustee Baker referred to an article in the CML newsletter on airports of the year and suggested we look at criteria on doing things and how we are catering to the GA customers in hopes of a similar award in the future.

TOWN TREASURER

- Got the data files sent and Tyler Technologies is coming Thursday morning to do a presentation on the implementation process.

TRUSTEE/STAFF INTERACTION

- Trustee Nyberg asked if Sue talked to the parties he discussed with her on overtime. Sue stated she did, he has his version of what is recorded there; there is information that needs to be understood on how things are running in that department, he knows that there is a question on the table, suggested pulling data on what it costs to provide what level of service and bring it to the table and was not able to answer the question completely.
- Mayor Russell noted that at the next meeting Roy's report will list subdivisions with punch lists and wants to see some movement. Sue asked Rachel and Shannon to work on a team effort to go thru Development Agreements and list all obligations attached to them; some are infrastructure pieces that Rachel and Roy will work on getting all the pieces together. Shannon added that some of the work could be handed off to Tony or Jennifer to do data entry on what we agreed to as it is not documented and will get something to Council in 30 days.

- Trustee Benson asked about the Public Works manual. Roy stated Rachel has been working on the specifications; it is a work in progress; the water system SOPs are in good shape. Joel referenced Roy's comment on the 2002 river park plan and encouraged him and staff to bring up what they know when we are actually talking about a pertinent subject. Sue added we are trying to identify every parcel as an existing park and hoping to have something addressed and documented by June; the Rec. Board has been identified as the point entity, Rachel is participating in the process.
- Trustee Lacy asked about the Town Prosecutor raising his fees. Christine noted his contract indicates he needs to discuss this with the Town before that occurs and she will send out a letter notifying him.
- Trustee Benson asked Mayor Russell if she talked to Dennis Giese about the Economic Development Corp. Cara did not get a chance to make that contact but felt he should attend the Airport Board work session next week.
- Trustee Baker attended webinars regarding bike and pedestrian safety and things useful for the Hwy. 24 corridor development; most school systems have a bike and pedestrian policy and found outlines for them and will provide to the School Board as there are legal and liability issues. On the Cottonwood Meadows, the last meeting was the day before the Chaffee Housing Trust meeting, Chaffee Citizens stated both organizations endorse our decision to annex the Meadows Citizens for Sustainability because it meets requirements for Smart Growth and Housing Trust feels it keeps housing affordable; a caveat in their endorsement letter encouraged the developer to put 10% of affordable housing - but they do not have a definition yet on affordable; attended the Protest Hearing yesterday and felt it was fairly civil and went fairly well.
- Trustee Benson requested the Town Clerk put more information in the minutes rather than "discussion held".

EXECUTIVE SESSION - for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4) (b) pertaining to Mayor Russell's request for reimbursement

Motion #10 by Trustee Flint, seconded by Trustee Nyberg, to enter into Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4) (b) pertaining to Mayor Russell's request for reimbursement.

Those present for the Executive Session were Trustees Joel Benson, Robert Flint, Brett Mitchell, Keith Baker, Duff Lacy, Norm Nyberg and Town Attorney Lee Phillips. Executive Session was held from 10:10 PM to 10:37 PM.

Motion #11 by Trustee Benson, seconded by Trustee Baker, to adjourn to Regular Session. Motion carried.

ADJOURNMENT

Motion #12 by Trustee Benson, seconded by Trustee Baker, noting that there being no further business to come before the Board declared that the meeting be adjourned at 10:42 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer